REMARKS/ARGUMENTS

In the non-final Action dated January 15, 2009, the Examiner rejected claims 4-11 under 35 U.S.C. 112, 2nd paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter.

Pursuant to the above-noted Office Action, claims 5 – 11 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

We acknowledge and appreciate the indicated allowable subject matter.

Claim 4 was also rejected under 35 U.S.C. 102(b) as being anticipated by Kloos. (US 2004/0120304).

In the US 2004/0120304 Kloos suggests a time division multiple access communication system having multiple sub-channels according to known Quadrature Amplitude Modulation (QAM) techniques (in his Abstract).

In the Kloos's QAM technique detection of signal (pilot) is NOT executed by measuring of the NCCRP.

But in this (our) application there is no use of QAM, our method measures the NCCRP (Number of Continuous Clock Rate Periods). Kloos does not do this.

Once our method has the NCCRP count then it compares this number of the count with a predefined/pre-established threshold value of our method. If this NCCRP count is equal or more than the pre-established threshold value than this is concluded as a good condition. Then the receiver and the transmitter enter into synchronization.

If the NCCRP is less than the predefined threshold value then it is assumed that the transmitting signal is Non intended for that particular receiver, and that specific receiver and the transmitter do not go into synchronization for that particular signal.

Communication Systems based on the QAM technique are well known that they cannot carry out data transfer in the presence of interference (collision) (Matthew S. Gast "802.11 Wireless Networks". 2005).

The application's method (our method) of data transfer solves the collision problem. It allows carrying out data reception with high accuracy (low Bit Error Rate) despite the presence of collision. Whereas in Kloos there is no such dynamic method. In Kloos as explained in paragraphs 48, 50, 51, 94 the data reception is made on the basis of predetermined QAM technology.

We have canceled the claims 4, 6, 8, 9 and have rewritten and amended the claims 5, 7, 10 and 11. The amended claims 5, 7, 10 and 11 as now presented are believed to be in the allowable condition.

Respectfully submitted,

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Dated: February 19, 2009